

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Medical Devices, Inc.,

Plaintiff,

Case No. 20-11579

v.

Judith E. Levy  
United States District Judge

H&H Medical Co. et al.,

Defendants. Mag. Judge Elizabeth A.  
Stafford

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**OPINION AND ORDER GRANTING DEFENDANTS' MOTION  
FOR EXTENSION OF TIME TO FILE ANSWER [18]**

On June 15, 2020, Plaintiff filed this case seeking damages and other relief against Defendants for trademark infringement, unfair competition, false designation and advertising, cybersquatting, and patent infringement, among other violations. (ECF No. 1.) Defendants' initial deadlines to file responsive pleadings fell between July 10 and July 15, 2020. (ECF Nos. 2, 4–9.) On July 9, 2020, the Court granted a stipulated order extending the deadline to respond to July 31, 2020 so that the parties could engage in negotiations. (ECF No. 14.) Defendants

now seek a second to extend their deadline to file a responsive pleading under Federal Rule of Civil Procedure 6(b)(1) to August 31, 2020. (ECF No. 18.)

Defendants argue that they need additional time to “investigate the allegations in the Complaint” and that “the requested extension will help preserve resources, as the parties continue settlement discussions.” (ECF No. 18, PageID.88.) On August 3, 2020, Plaintiffs filed a response opposing the motion for an extension. Plaintiffs argue that “Defendants are not serious about an early resolution” and that Defendants’ motion for an extension constitutes “gamesmanship.” (ECF No. 20.) However, as Plaintiffs themselves note, the parties engaged in significant discussion during July 2020 in an attempt to resolve this case without the need for judicial intervention. (ECF No. 20, PageID.95.) Although such negotiations were ultimately unsuccessful, they constitute good cause for granting a second extension. Penalizing Defendants for engaging in unsuccessful negotiations would create significant adverse incentives for settlement generally. Accordingly, the Court finds good cause for granting Defendants’ motion. Out of concerns for fairness, the Court will

*sua sponte* grant Plaintiff an extension to file a responsive pleading to any Rule 12 motion filed by Defendants.

Defendants' motion for an extension is GRANTED. Defendants must file a responsive pleading by no later than August 31, 2020. Should one or more Defendants file a Rule 12 motion, the deadline for Plaintiff to file a response is extended until November 9, 2020.

IT IS SO ORDERED.

Dated: August 12, 2020  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 12, 2020.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager